

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

LARRY D. GRAPES,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-09-890-F
)	
MICHAEL J. ASTRUE,)	
COMMISSIONER OF THE SOCIAL)	
SECURITY ADMINISTRATION,)	
)	
Defendant.)	

ORDER

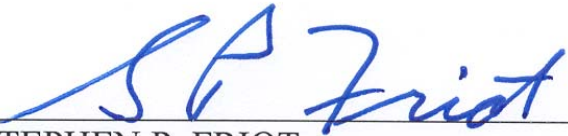
On April 26, 2010, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation, wherein he recommended that the defendant's decision to deny plaintiff's application for disability insurance benefits be reversed and that the case be remanded for further administrative proceedings.¹ Magistrate Judge Bacharach therein advised the parties of their right to object to the Report and Recommendation by May 13, 2010, and further advised the parties that failure to file a timely objection would result in waiver of the right to appeal the suggested ruling.

To date, no objection to the Report and Recommendation has been filed, and no request for an extension of time to object has been filed. With no objection being filed by either party within the time prescribed, the court accepts, adopts, and affirms the Report and Recommendation in its entirety.

¹ Specifically, Magistrate Judge Bacharach recommended that the case be remanded for further administrative proceedings to comply with the regulatory procedure for consideration of mental impairments, to discuss opinions by personnel at the Veterans' Administration Medical Center, and to discuss Dr. Nguyen's opinion about the inability to lift.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Robert E. Bacharach on April 26, 2010 (doc. no. 18) is **ACCEPTED, ADOPTED, and AFFIRMED**. The decision of defendant, Michael J. Astrue, Commissioner of the Social Security Administration, is **REVERSED**, and this matter is **REMANDED** to the defendant for further administrative proceedings pursuant to sentence four of § 205(g) of the Social Security Act, 42 U.S.C. § 405(g). Judgment shall issue forthwith.

DATED May 17, 2010.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE